

ORIGINAL



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1 COMMISSIONERS
2 KRISTIN K. MAYES, CHAIRMAN
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2010 JUL 15 P 3:47

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

6 IN THE MATTER OF THE APPLICATION
7 OF THE TOWN OF GILBERT TO
8 UPGRADE A CROSSING OF THE UNION
9 PACIFIC RAILROAD AT HIGLEY ROAD
10 IN THE TOWN OF GILBERT, MARICOPA
11 COUNTY, ARIZONA, AAR/DOT NO. 741-
12 830-Y.

DOCKET NO. RR-03639A-10-0208

NOTICE OF FILING AFFIDAVIT OF
PUBLICATION

11 The Town of Gilbert ("Gilbert"), by and through undersigned counsel, hereby files
12 its Notice of Affidavit of Publication. The publication was made July 12, 2010 rather than by July
13 2, 2010 as required by the June 1, 2010 Procedural Order. A copy of the Affidavit of Publication
14 is attached hereto. Gilbert also confirms that it has provided a copy of the Application and the
15 June 1, 2010 Procedural Order to the Union Pacific Railroad and to surrounding adjacent property
16 owners via certified mail. There is no interested municipality other than Gilbert.
17

18 DATED this 15th day of July, 2010.

19 CURTIS, GOODWIN, SULLIVAN,
20 UDALL & SCHWAB, P.L.C.

21 Arizona Corporation Commission

22 DOCKETED

23 JUL 15 2010

24 DOCKETED BY

25

By:

William P. Sullivan

Kelly Y. Schwab

501 East Thomas Road

Phoenix, Arizona 85012-3205

Attorneys for the Town of Gilbert

PROOF OF AND CERTIFICATE OF MAILING

I hereby certify that on this 15th day of July, 2010, I caused the foregoing document to be served on the Arizona Corporation Commission by delivering the original and thirteen (13) copies of the above to:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

COPY of the foregoing hand delivered
this 15th day of July, 2010 to:

Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Lyn Farmer, ALJ
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Brian Lehman, Chief
Railroad Safety Section of the Safety
Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing mailed
this 15th day of July, 2010 to:

Aziz Amam, Manger of Special Projects
Union Pacific Railroad Company
2073 East Jade Drive
Chandler, Arizona 85286

Anthony J. Hancock
Terrance L. Sims
Beaugureau, Zukowski, Hancock,
Stoll & Schwartz, PC
302 East Coronado
Phoenix, Arizona 85004
Attorneys for Union Pacific Railroad
Company

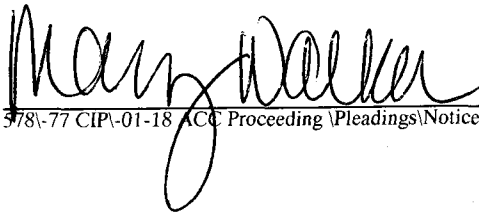
Robert Travis, P.E.
State Railroad Liaison
Arizona Department of Transportation
205 South 17th Avenue, Room 357
MD 681E
Phoenix, Arizona 85007

Paul Mood
Town of Gilbert
90 East Civic Center Drive
Gilbert, Arizona 85296

Robert Lyons, P.E.
Aztec Engineering
4561 East McDowell Road
Phoenix, Arizona 85008

1 Kelly Roy, Utility Project Coordinator
2 Maricopa County Department of Transportation
3 2901 West Durango Street
4 Phoenix, Arizona 85009

5 Chris Watson
6 2200 North Central Avenue
7 Suite 300
8 Phoenix, Arizona 85004

9 

578\77 CIP\01-18 ACC Proceeding \Pleadings\Notice of Filing - Aff of Pub.doc

IN THE MATTER OF THE AP-
PLICATION OF THE TOWN
OF GILBERT TO UPGRADE A
CROSSING OF THE UNION
PACIFIC RAILROAD AT
HIGLEY ROAD IN THE TOWN
OF GILBERT, MARICOPA
COUNTY, ARIZONA.
AAR/DOT NO. 741-830-Y.
(DOCKET NO.
RR-03639A-10-0208)

On May 20, 2010, the Town
of Gilbert ("Town") filed
with the Arizona Corpora-
tion Commission ("Commis-
sion") an application for ap-
proval for the Union Pacific
Railroad ("Railroad") to up-
grade an existing crossing
at Higley Road in the Town
of Gilbert, Maricopa County,
Arizona at AAR/DOT No.
741-830-Y.

The application is available
for inspection during regu-
lar business hours at the of-
fices of the Commission in
Phoenix, at 1200 West
Washington Street, Phoenix,
Arizona, and on the internet
via the Commission website
(www.azcc.gov) using the
e-docket function.

The Commission will hold a
hearing on this matter com-
mencing on August 10, 2010,
at 10:00 a.m., at the Com-
mission's offices, 1200 West
Washington Street, Phoenix,
Arizona. Public comments
will be taken on the first
day of the hearing.

The law provides for an
open public hearing at
which, under appropriate
circumstances, interested
parties may intervene. In-
tervention shall be permit-
ted to any person entitled
by law to intervene and hav-
ing a direct and substantial
interest in the matter. Per-
sons desiring to intervene
must file a written motion
to intervene with the Com-
mission, which motion
should be sent to Applicant
or its counsel and to all par-
ties of record, and which, at
the minimum, shall contain
the following:

1. The name, address, and
telephone number of the
proposed intervenor and of
any party upon whom serv-
ice of documents is to be
made if different than the
intervenor.

2. A short statement of the
proposed intervenor's inter-
est in the proceeding (e.g., a
customer of Railroad, a
neighboring property own-
er, a crossing user, etc.).

3. A statement certifying
that a copy of the motion to
intervene has been mailed
to the Applicant or its coun-
sel and to all parties of re-
cord in the case.

The granting of motions to
intervene shall be governed
by A.A.C. R14-3-105, except
that all motions to intervene
must be filed on or before
July 16, 2010. The granting
of intervention, among oth-
er things, entitles a party to
present sworn evidence at
hearing and to cross-
examine other witnesses.
However, failure to inter-
vene will not preclude any
customer from appearing at
the hearing and making a
statement on such custom-
er's own behalf.

If you have any questions
about this application, you
may contact the applicant
Edgar Medina at 480-503-
6754. If you wish to file writ-
ten comments on the appli-
cation or want further infor-
mation on intervention, you
may write the Consumer
Services Section of the
Commission at 1200 West
Washington Street, Phoenix,
Arizona 85007, call 602-542-
4251 or 1-800-222-7000, or
appear at the hearing and
make comment.

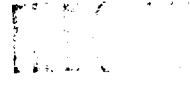
The Commission does not
discriminate on the basis of
disability in admission to its
public meetings. Persons
with a disability may re-
quest a reasonable accom-
modation such as a sign
language interpreter, as
well as request this docu-
ment in an alternative for-
mat, by contacting Carolyn
Buck, ADA Coordinator,

voice phone number 602-
542-3931, e-mail
CDBuck@azcc.gov. Re-

quests should be made as
early as possible to allow
time to arrange the accom-
modation.

Published: July 12, 2010

AFFIDAVIT OF PUBLICATION



THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

Mark Gilmore, being first duly sworn, upon oath deposes
and says: That he is a legal advertising representative of the
Arizona Business Gazette, a newspaper of general
circulation in the county of Maricopa, State of Arizona,
published at Phoenix, Arizona, by Phoenix Newspapers
Inc., which also publishes The Arizona Republic, and that
the copy hereto attached is a true copy of the advertisement
published in the said paper on the dates as indicated.

The Arizona Republic

July 12, 2010

Sworn to before me this
12TH day of
July A.D. 2010

Notary Public